

**Minutes - Board Meeting – 12/15/10**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, December 15, 2010 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

**PRESENT:** Mayor Jack M. Martins  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira

**ALSO PRESENT:** Village Attorney, John M. Spellman  
Village Clerk Joseph R. Scalero  
Deputy Village Clerk Cora T. Kelly  
Village Treasurer Giacomo A. Ciccone  
Superintendent of Public Works Thomas J. Rini  
Superintendent of Building Daniel B. Whalen  
Water Department Supervisor Frederick Booher

**Press Observer:** Rich Forestano, *Mineola American*  
Rich Tedesco, *Williston Times*  
*Patch .com*

**Sunshine Observers:** 122 Observers

**Mayor Jack M. Martins called the Work Session to order at 6:50 PM.**

**Resolution No. 328-10**

Resolved to approve bills and payroll.

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Paul S. Cusato

**Vote:**  
**Yes** **No** **Abstain**  
Mayor Jack M. Martins  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira

**Resolution No. 329-10**

Resolved to approve the recommendation of the Mineola Volunteer Fire Department of the following new members:

Jeffrey Mota            Company 1  
Nicholas Ruscillo      Company 3

Motioned by Trustee Paul S. Cusato  
Seconded by Trustee Paul A. Pereira

**Vote:**  
**Yes** **No** **Abstain**  
Mayor Jack M. Martins  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira

**Resolution No. 330-10**

Resolved to authorize the installation of a “Handicap Reserved” parking space in front of 72 Cottage Place

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Paul A. Pereira

**Vote:**  
**Yes** **No** **Abstain**  
Mayor Jack M. Martins  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira

**Resolution No. 331-10**

Resolved to award the public bid for the Rehabilitation of the Well Pump at Well No. 5 to the lowest responsible bidder, A.C. Schultes, Inc based upon their low bid submission of \$103, 610.00.

Motioned by Trustee Paul S. Cusato  
Seconded by Trustee Paul A. Pereira

**Vote:**  
**Yes** **No** **Abstain**

Mayor Jack M. Martins  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira

**Resolution No. 332-10**

Resolved to rescind the "1 Hour Parking" restriction on the west side of Royal Avenue, from Jericho Turnpike to East Washington Avenue.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Lawrence A. Werther

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Jack M. Martins		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		

**Resolution No. 333-10**

Resolved to reject all bids for the new roof at the Village Hall and Fire Department buildings based upon the high cost of the project as bid, and a potential lack of funding from previously announced state grants.

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Paul A. Pereira

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Jack M. Martins		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		

**Resolution No. 334-10**

Resolved to authorize the 50kw Solar Panel Project for the Central Garage Roof and to authorize engineering services from our Village Engineer, Dvirka & Bartilucci, for the following amounts:

Design	- \$24,000.00
Bidding & Construction	-\$15,000.00
Funding for project as follows:	
NYSERDA	- \$ 308,149.00
Village of Mineola	- \$ 70,000.00

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Paul S. Cusato

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Jack M. Martins		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		

Presentation to the Board by Superintendent of Public Works Thomas J. Rini and the Village's Water supply consulting engineer, William D. Merklin, P.E., Vice President of Dvirka & Bartilucci regarding a proposed SCADA system for use in the Water Department

**Resolution No.335-10**

Resolved to accept a proposal from our village consulting engineers to begin the design and bidding process for the transition to a Supervisory Control and Data Acquisition (SCADA) System for Water Supply Monitoring and Control subject to the Village receiving the proposal and design, but also having the opportunity to bid out the project.

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Paul S. Cusato

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Jack M. Martins		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		

Presentation to the Board regarding the Rehabilitation of Wilson Park Ball Field No. 3 with a synthetic turf surface by Superintendent of Public Works Thomas J. Rini and consulting engineer, Kenneth J. Pritchard, P.E., Vice President of Dvirka & Bartilucci.

**Resolution No. 336-10**

Resolved to approve the installation of a third electric meter for the basement area of a newly built two-family house located at 152 Jackson Avenue, to be used by the owner subject to the Building Department conducting scheduled periodic verifications and subject to the following conditions:

1. Affirmation from owner that they are not going to reside on the premise and if they do they must remove the third meter.

2. The Building Department must have access to the premises to confirm that the owner does not have any illegal occupancy in the house and that the owner does not take up residency in the basement.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Lawrence A. Werther

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Jack M. Martins  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira

**Resolution No. 337-10**

BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF MINEOLA  
-----X

In the Matter of the Application of

POLIMENI INTERNATIONAL, LLC

For an amendment to a Special Permit previously granted pursuant to Chapter 30, Section 30.5 of the Code of the Incorporated Village of Mineola, upon the property located at the northwest corner of the intersection of Old Country Road and Willis Avenue, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 430, Lots 10, 65, 212, 411, 415, 418 and 419.

**AMENDED AND SUPERCEDING DECISION**

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NAME OF APPLICANT:	Polimeni International, LLC
SUBJECT PROPERTY:	Section 9, Block 430, Lots 10, 65, 212, 411, 415, 418 and 419
STREET LOCATION:	Northwest corner of the intersection of Old Country Road and Willis Avenue, Mineola, New York 11501
ZONING DISTRICT:	Business "B-3" District
RELIEF REQUESTED:	Application For a Special Permit pursuant to Chapter 30, Section 30.5
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARINGS:	Original Application- November 27, 2007; January 9, 2008; February 13, 2008.  Amended Application- June 9, 2010
APPEARANCES:	Original Application-  Peter Mineo, Esq., Applicant's Attorney
IN SUPPORT:	Mitch Newman, Architect; Robert Eschbacher, Traffic Engineer; Terri Elkowitz, Planning and Environmental Consultant; Dale Allinson, Tax Attorney; Dr. Pearl Kamer, Economist
APPEARANCES:	Amended Application- Peter Mineo, Esq., Applicant's Attorney
IN SUPPORT:	Terri Elkowitz, Planning and Environmental Consultant;

**DECISION:**

Polimeni International, LLC (hereinafter, "Applicant") was previously granted a Special Permit pursuant to Chapter 30, Section 30.5 of the Municipal Code of the Incorporated Village of Mineola (the Village's Development Incentive Bonus Law) to construct a residential condominium of up to 285 units upon the

property located at the northwest corner of the intersection of Old Country Road and Willis Avenue, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 430, Lots 10, 65, 212, 411, 415, 418 and 419) (hereinafter, the "Property").

The Board of Trustees had declared itself lead agency pursuant to SEQRA and following a coordinated review by all involved agencies (New York State Department of Environmental Conservation, Nassau County Planning Commission, Village of Garden City Planning Commission, Village of Mineola Planning Board, Village of Mineola Department of Public Works and Village of Mineola Water and Sewer Department) determined that the application was an unlisted action. An expanded Environmental Assessment Form was prepared by the Applicant. The expanded Environmental Assessment Form contained the following: site and surrounding area photographs; correspondence from the Village Superintendent, Building Department; excerpts from the Village of Mineola Comprehensive Master Plan; traffic impact study; socioeconomic report; correspondence from DiBari Engineering, P.C. regarding water demand for sprinkler system; Pegasus Engineering Report regarding water and sewer infrastructure; rendering of elevations, massing model, shadow study and streetscape (proposed sidewalk paving) plan; population estimates for senior affordable housing; and depictions of senior affordable housing and parking garage. The Board of Trustees, after careful review, issued a Negative Declaration under SEQRA and also issued a Findings Statement.

The Applicant also sought a waiver of appearance before the Village's Planning Board for preliminary site plan review and for architectural review. The waiver was granted by the Board of Trustees.

The Original Application and approved Special Permit were for the construction of up to 285 residential condominium units in a nine-story building, with three levels of underground parking.

A referral of the Original Application was made to the Nassau County Planning Commission. The Nassau County Planning Commission by decision dated April 11, 2008 supported the proposed project for a number of reasons, including the following: the project is supported by the goals and recommendations set forth in the Mineola Comprehensive Master Plan and the subsequent Development Incentive Bonus Overlay District; Mineola will be the recipient of public amenities from the developer in accordance with the requirements of the Development Incentive Bonus Overlay District; the inclusion of a 36-unit affordable senior housing development at a nearby site; the location of the project provides convenient pedestrian access to downtown Mineola and is also walkable to Garden City. It provides pedestrian accessibility to Mineola's Intermodal Transportation Center; the proximity of the project to rail services would likely appeal to persons employed in Manhattan and other areas served by the LIRR and is walkable to major employers in Mineola and Garden City such as the County Government Center, Winthrop University Hospital and the financial institutions along Franklin Avenue; the project will bring new purchasing power to businesses in Mineola and Garden City; the project could serve as a model for downtown revitalization as an impetus to revitalize underutilized properties in Mineola's Central Business District and fringe commercial areas; the project could serve as a cornerstone for pedestrian connectivity and pedestrian improvements in Mineola's downtown area and along Old Country Road. The Nassau County Planning Commission recommended that this Board take whatever action it deemed appropriate (a Local Determination).

The Board determined that the granting of the Original Application requesting a special permit pursuant to Section 30.5 of the Village Code for development incentive bonuses according to which the applicant offered certain community benefits and amenities and payment in lieu thereof in exchange for the Board of Trustees granting relief from certain zoning code regulations, would advance the Village's specific physical, cultural and social policies in accordance with the Village's comprehensive plan and in coordination with community planning mechanisms and land use techniques. Accordingly, this Board approved the Original Special Permit Application subject to certain conditions.

Applicant now seeks to amend its original application in order to construct a residential rental building in lieu of a condominium building. The Amended Application seeks to reduce the number of units at the site, to reduce the building height, to reduce the overall number of bedrooms in the building and to reduce the number of school-age children generated by this development. These reductions, obviously, also diminish the potential environmental impacts which the project will have. A hearing on the amended application was held on June 9, 2010. The Applicant stated that market and financing circumstances had changed since the granting of the Original Special Permit, resulting in a re-evaluation of the project. More importantly, however, a series of communications between the Applicant and the Incorporated Village of Garden City made it eminently clear that Garden City would use the full force of its claimed review authority under Section 1610 of the Nassau County Charter (involving subdivision approval) to prevent the construction of the project as proposed. Garden City indicated in writing its intention to conduct a SEQRA review *de novo* in spite of the fact that it had participated in the coordinated SEQRA review conducted under the supervision of this Board as lead agency. Furthermore, in spite of the fact that the only jurisdiction held by Garden City in this matter resided with its Planning Commission, several Village

Trustees interfered with that Commission's role and made demands upon the Applicant which led to the clear inference that unless those demands were met, the Planning Commission would not approve the proposed subdivision. The proposed actions of Garden City amounted to an interference with the sovereign zoning authority of the Incorporated Village of Mineola and sought to negate actions and decisions of this Board. This type of interference, in addition to constituting municipal disrespect, is unacceptable.

The regrettable conduct of Garden City led to a reformulation of the Applicant's plan so as to delete the requirement of subdivision approval from Garden City's Planning Commission. Hence, the instant application.

In furtherance of its Amended Application, Applicant submitted a Supplemental Environmental Report prepared by VHB Engineering, Surveying and Landscape Architecture, PC; a Comparison of Amended Application to the Original Application; Updated Economic Impact Analysis prepared by Dr. Pearl M. Kamer; and an Amended Site Plan prepared by Ehasz Giacalone Architects, P.C. The Amended Application and supporting documents were referred to the Nassau County Planning Commission. The Nassau County Planning Commission recommended that this Board take whatever action it deemed appropriate (a Local Determination). The SEQRA Findings Statement adopted by this Board, dated December 8, 2010, found that no significant negative environmental impacts would result from approval of the Amended Application.

Therefore, based upon the record in this matter, including a review of the materials and testimony presented with respect to the original Application, the Board of Trustees has determined that, subject to the conditions set forth below, the granting of the Amended Application will advance the Village's specific physical, cultural and social policies in accordance with the Village's comprehensive plan and in coordination with community planning mechanisms and land use techniques, will provide a desirable facility to the area, and will promote the revitalization of the Village's Downtown.

**IT IS THEREFORE RESOLVED**, that the Amended Special Permit for the construction and maintenance of the residential rental apartment building known as the Winston, for the construction of the proposed parking garage, for the construction of the affordable senior condominium building and for the construction of the associated public improvements is **GRANTED** subject to the following conditions:

- 1) During the construction of the Winston, installation by the Applicant of approximately 2,300 linear square feet of streetscape improvements along the entire block bounded by the north side of Old Country Road, east side of Main Street, south side of Third Street, and west side of Willis Avenue and also inclusive of the north side of Third Street and the east side of Main Street leading up to the Long Island Rail Road tracks;
- 2) Upon the completion of the Winston Building and 75% occupancy, Applicant will in good faith re-evaluate the condition of the local economy and, if feasible, retrofit the façade of the Benchmark Office Building in order to further the Village's Master Plan concept for Old Country Road;
- 3) Applicant or its assignee or designee will construct a five story (four stories of condominiums above ground level parking) senior affordable housing project on the north side of Front Street consisting of thirty-six (36) condominium units of the following approximate sizes: twenty (20) one-bedroom 650 square foot units; eight (8) one-bedroom 690 square foot units; and eight (8) two-bedroom 1,000 square foot units. Applicant shall file with the Village's Planning Board an application for condominium subdivision approval within three (3) months of the date of this decision. Applicant shall diligently prepare a condominium offering plan and shall submit said plan to the Real Estate Finance Bureau of the Office of the Attorney General as soon as the required underlying permits, certifications and financing commitments shall have been received. Construction shall commence within two (2) years of the date of this decision and provided that there is a 75% pre-sale of the units, which pre-sales shall in good faith be undertaken by Applicant unless Applicant shall, prior to such date, demonstrate to this Board that construction financing for condominiums is not available. In such case, the Board of Trustees may grant an extension of time for the commencement date of construction of the condominium project or approve an alternate plan for the provision of affordable senior housing (it being understood that the provision of affordable senior housing is an integral and material element of the Special Permit granted herein and that reliance upon its provision is a primary motivating factor for the approval of the Winston building);
- 4) Applicant will construct a parking garage of up to four (4) stories containing up to 272 parking spaces on the north side of Third Street to relocate the current parking on the Front Street senior housing site. Applicant will designate forty (40) spaces on the ground floor of this garage for Mineola metered parking. Metered parking, subject to modification by the Board of Trustees, will have two to three hour maximums and be free after 6:00 pm on weekdays and all day on the weekends;
- 5) Applicant will contribute \$3,000,000.00 to be deposited in the Village's trust fund to be used by the Village to make improvements to public amenities and improvements in other areas of the Village where those amenities are needed, to be paid in the following manner: one-third upon issuance of construction permit for the Winston Building; one-third six (6) months after the issuance of the Certificate of Occupancy for the Winston Building; one-third twelve months after the issuance of the Certificate of Occupancy the Winston Building;
- 6) The representations made by Applicant on the record in this proceeding (at the hearing on the original Application and, to the extent consistent therewith or complementary thereto, at the hearing on the Amended Application) have been deemed material to this Amended Application and have been relied upon by the Board of Trustees in its deliberations and decisions. The implementation of said representations (such as confirm or promise actions or policies) are deemed to be part of the conditions of this Special Permit; and
- 7) Violation of a condition set forth in this decision shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law; and
- 8) Compliance with the conditions set forth herein shall be a predicate to the issuance of a Certificate of Occupancy for the Winston building to the extent that such conditions require fulfillment prior to the completion of the building. This Board reserves the right, at its discretion, to secure the fulfillment of any such unfulfilled conditions by requiring the posting of a bond or other surety should it determine to grant a Certificate of Occupancy for the Winston building in advance of such fulfillment.

Mr. Urianek then introduced Cpl. Christopher Levi and presented him with another check for \$2,000. He further gave a summary of the can & bottle collection

program and the contributions that were received in honor of Cpl. Levi totaling over \$11,000. Cpl. Levi thanked everyone involved for their kindness & generosity and in particular Mr. Urianek. Commander Sal Cataldo presented Cpl. Levi with an American Legion Certificate of Honor from the Mineola American Legion Post 349 and Veterans of Foreign Wars Commander Manny Grilo presented him with an American Flag pin. Mineola Fire Department Junior Firefighter Lt. Christopher Strauss presented Cpl. Levi with a check to honor his service and contributions to our country and community. Boy Scout 45 Sr. Patrol Leader honored Cpl. Levi, particularly commending his service to our country and his value as a role model to the youth of America.

**Resolution No.338-10**

Resolved to re-name the connector road between Roslyn Road and Willis Avenue along the north side of the Long Island Railroad tracks “Hinck Way”.

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Paul A. Pereira

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Jack M. Martins		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		

**Resolution No.339-10**

Resolved to order the necessary materials that were identified for the repair of the Tudor gatehouses on Old Country Road.

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Paul A. Pereira

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Jack M. Martins		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		

Mayor Jack M. Martins addressed the Board of Trustees and residents as he tendered his resignation from the position of Mayor of the Village of Mineola effective December 15, 2010. Mayor Martins thanked the Board, village staff, and residents for their efforts on behalf of the village and thanked them for a rewarding experience.

[Break 9:35 PM – 9:40 PM]

**Resolution No.340-10**

Resolved to appoint Deputy Mayor Lawrence A. Werther as Mayor of the Village of Mineola.

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee Thomas F. Kennedy

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Trustee Paul A. Pereira		
Trustee Thomas F. Kennedy		
Trustee Paul S. Cusato		
Trustee Lawrence A. Werther		

Deputy Mayor Lawrence A. Werther requested that former Mayor Jack M. Martins administer to him the Oath of Office of Mayor.

Mayor Lawrence A. Werther appointed Scott P. Strauss as Trustee of the Village of Mineola.

Mayor Lawrence A. Werther administered the Oath of Office to Trustee Scott P. Strauss.

**Mayor Lawrence A. Werther requested a motion to close the Public Meeting at 9:57 PM.**

Motioned by Trustee Paul S. Cusato  
Seconded by Trustee Scott P. Strauss

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		
Trustee Scott P. Strauss		